

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 27<sup>TH</sup> DAY OF JULY, 2009 AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	Doug Marrs	
	L. Carol Edmonds	-Interim County Administrator
	Martin M. McMahon	-County Attorney
	Steve Sandy	-Planning Director
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	John A. Muffo	-Supervisor

### **CALL TO ORDER**

The Chair called the meeting to order.

### **INTO CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711                      (7)      Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

1. Tourism Marketing Agreement

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Agency on Aging
2. BZA

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
Annette S. Perkins	

#### **OUT OF CLOSED MEETING**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	
Annette S. Perkins	

#### **CERTIFICATION OF CLOSED MEETING**

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

#### VOTE

##### AYES

James D. Politis  
Mary W. Biggs  
Doug Marrs  
Gary D. Creed  
William H. Brown  
Annette S. Perkins

##### NAYS

None

##### ABSENT DURING VOTE

John A. Muffo

##### ABSENT DURING MEETING

John A. Muffo

#### **INVOCATION**

A moment of silence was lead by the Chair.

#### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

#### **DELEGATION**

##### Virginia Association of Counties (VACo)

Mr. Donald Hart, VACo President, and member of the Accomack County Board of Supervisors, introduced himself to the Board of Supervisors. Mr. Hart commented he has served as a member of the Accomack County Board of Supervisors for 29 years and was first elected when he was 24 years old. He is honored to be elected President of VACo and is making a goal to visit all counties in the State of Virginia. He provided a brief overview of the duties of VACo, which

exists to support county officials and to effectively represent, promote and protect the interests of counties to better serve the people of Virginia.

Supervisor Biggs thanked Mr. Hart for visiting Montgomery County and commented that this is the first time in fourteen years that the President of VACo has visited Montgomery County.

## **PUBLIC HEARINGS**

### **Rezoning Request – Emerald Investors, Inc. ( Continue to August 24, 2009)**

**A request by Emerald Investors, Inc (Agent: Balzer & Associates) for rezoning of approximately 9.44 acres from Agriculture (A1) to General Business (GB), with possible proffered conditions, to allow retail sales and commercial offices. In addition, a special use permit is requested to allow a convenience store with motor fuel sales.** The property is located approximately 500 ft. southwest of the I-81 Exit 109 and Tyler Road intersection, 2843 Tyler Road, identified as Tax Parcel No(s). 104-A-30 (Acct Nos. 011606), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and Planned Commercial in the Route 177 Corridor Plan.

Chair Perkins explained that the Planning Commission tabled this request at their July 15, 2009 meeting. Therefore, the Board of Supervisors will need to continue this public hearing until they receive recommendation from the Planning Commission. Chair Perkins also explained that since the public hearing was advertised and scheduled to take place tonight, anyone who was present to speak on this matter, was invited to address the Board.

There being no speakers the public hearing was continued to August 24, 2009.

### **Rezoning & Special Use Permit – S&P of Virginia – (Continue to August 24, 2009)**

**A request by S&P of Virginia, LLC (Agent: Balzer & Associates) for rezoning of approximately 21.13 acres from Agriculture (A1) to General Business (GB) and 14.19 acres from Agriculture (A1) to Residential (R3), with possible proffered conditions, to allow various commercial uses and single family residential dwellings.** In addition, a special use permit is requested in the General Business (GB) district to allow a convenience store with motor fuel sales. The property is located on the Southwest corner of the I-81. Exit 109 and Tyler Road (Rte. 600) intersection, 2735 Tyler Road, identified as Tax Parcel No(s). 104-A-32, 32A, 33 and 104-7-A, (Acct Nos. 018647, 011957, 019186, 023358), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan and further designated as Planned Commercial and Planned Unit Residential in the Route 177 Corridor Plan with a maximum density of four (4) dwelling units per acre.

The Interim County Administrator reported that this public hearing was continued from the June 22, 2009 Board meeting; however, she is recommending that this public hearing be continued to the Board's August 24, 2009 meeting as it is part of the development along the 177 Corridor. Staff is recommending that the public hearings for all three rezoning requests for development in the 177 Corridor be held on the same night.

The Board agreed that all three public hearings should be held at the same time and that this public hearing be continued to the August 24, 2009 meeting.

Chair Perkins explained that since the public hearing was advertised and scheduled to take place tonight anyone who was present to speak on this matter, was invited to address the Board.

There being no speakers, the public hearing was continued to August 24, 2009.

### **PUBLIC ADDRESS**

Alicia Prioleau addressed the Board about her concerns with the unavailability of water and sewer services along Lovely Mount Drive located off Rock Road. She has contacted Montgomery County Public Service Authority and the City of Radford to try to obtain water and sewer from the City of Radford. This request has been ongoing since 2005. She expressed concerns that her family's house is almost complete and they do not have any water or sewer. Ms. Prioleau urged the two Boards to come to some sort of agreement in order to provide services to the Lovely Mount Drive area.

Chair Perkins informed Mrs. Prioleau that the Montgomery County Public Service Authority and the City of Radford have been discussing this issue. Hopefully, this issue will be resolved within the next week.

Steve Semones, with Balzar & Associates, addressed the Board regarding the three rezoning requests in the 177/Tyler Road area. Mr. Semones stated Balzar and Associates is the agent for all three developers who submitted rezoning applications in this area. He expressed his gratitude to the Board for working with the developers and himself on these projects.

There being no further speakers, the public address session was closed.

### **CONSENT AGENDA**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated July 27, 2009 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Gary D. Creed		
William H. Brown		
James D. Politis		
Mary W. Biggs		
Annette S. Perkins		

**A-FY-10-12  
DOG AND CAT STERILIZATION  
APPROPRIATION**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

400	Dog and Cat Sterilization	\$2,174
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451205	Designated Fund Balance	\$2,174

Said resolution appropriates monies received as part of the Dog and Cat Sterilization Program.

**A-FY-10-13  
COUNTY ATTORNEY  
TRANSFER FROM  
GENERAL CONTINGENCIES**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

<u>FROM:</u>		
950	General Contingencies	(\$60,000)
<u>TO:</u>		
120	County Attorney	\$60,000

Said resolution transfers appropriated funds from General Contingencies to the County Attorney to cover the cost of professional services.

**A-FY-10-14**  
**COMMONWEALTH'S ATTORNEY**  
**FORFEITED ASSET SHARING PROGRAM**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

200	Commonwealth's Attorney	\$14,135
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451205	Designated Fund Balance	\$14,135
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Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

**A-FY-10-15**  
**FIRE AND RESCUE**  
**COUNTY CAPITAL PROJECTS**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a County Capital Projects fund transfer of appropriation is hereby authorized, as follows:

FROM:

3300	Undesignated Fire and Rescue Projects	(\$339,280)
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TO:

3301	Elliston Fire Department	\$189,280
3301	Longshop McCoy Fire Department	\$ 50,000
3302	Longshop McCoy Rescue	\$50,000
3302	Shawsville Rescue Squad	<u>\$50,000</u>
	Total	\$339,280

Said resolution transfers appropriated funds from Undesignated Fire and Rescue Projects to Fire and Rescue Departments for the purchase of equipment /vehicles.

**A-FY-10-16**  
**MONTGOMERY MUSEUM AND**  
**LYRIC THEATER GRANT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

911	Montgomery Museum Grant	\$2,500
	Lyric Grant	<u>\$2,500</u>
	Total	\$5,000

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account:</u>		
424401	State Grants	\$5,000

Said resolution appropriates grant funds received for the Montgomery Museum and Lyric Theatre.

**A-FY-10-17**  
**PLANNING AND GIS**  
**ROLL-BACK TAXES**  
**CONSERVATION EASEMENT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010 for the function and in the amount as follows:

800	Planning and GIS	\$108,558
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451205	Designated Fund Balances	\$108,558

Said resolution appropriates monies received in prior years from roll-back taxes in excess of the fiscal year budget estimate for conservation easements.



**A-FY-10-18**  
**SHERIFF DEPARTMENT**  
**NEW SHOOTING RANGE**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010 for the function and in the amount as follows:

320 Sheriff County	\$33,648
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451205 Designated Fund Balance	\$30,888
419108 Recovered Costs	<u>\$2,760</u>
Total	\$33,648

Said resolution appropriates funds received from other participants for the new range site on Den Hill Road.

**A-FY-10-19**  
**SHERIFF DEPARTMENT**  
**FORFEITED ASSET SHARING PROGRAM**  
**CARRYOVER FROM FY 09**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

321 Sheriff	\$22,977
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451205 Fund Balance	\$22,977

Said resolution appropriates the unexpended portion of Forfeiture Asset Sharing received as part of this program in prior years.

**A-FY-10-20  
REASSESSMENT AND  
BOARD OF EQUALIZATION**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

153 Reassessment	\$68,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203 Undesignated Fund Balance	\$68,000
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Said resolution appropriates fund balance to cover Reassessment and Board of Equalization operating costs.

**A-FY-09-21  
INTEREST PROCEEDS  
FROM 2003 BONDS  
APPROPRIATION**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

12 Courthouse	\$461,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

415102 Interest on Investments	\$461,000
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Said resolution appropriates interest estimated on the 2003B bond account.

**A-FY-10-22**  
**RE-APPROPRIATION OF DONATIONS AND**  
**FUND RAISING ACCOUNT BALANCES**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

520	RSVP	\$ 4,128
700	Parks and Recreation	\$12,818
710	Library	\$24,405
720	Floyd Library	<u>\$22,920</u>
	Total	\$64,271

The source of funds for the foregoing appropriation is as follows:

Revenue Account:

02-451205	Designated Fund Balance	\$64,271
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Said resolution appropriates the balance of funds received as donations in previous years.

**A-FY-10-23**  
**RE-APPROPRIATION OF GRANTS**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

111	EMS Grants	\$446,596
201	Commonwealth Attorney-Domestic Violence	\$30,612
320	Petty Cash Confidential	\$2,835
321	Selective Traffic Enforcement	\$12,422
	DARE Program	\$910
	Project Lifesaver	\$10,226
	Community Policing	\$18,484
710	Library Gates Grant	\$7,952
720	Floyd Library Gates Grant	\$10,781
801	Technical Assistance Grant	\$24,630
911	Mental Health Association	<u>\$ 55,325</u>
	Total	\$ 620,773

The sources of funds for the foregoing appropriation are as follows:

Revenue Account:

21111-434401 Interoperability Grant	\$189,140
21111-434401 JAG	\$29
02201-424401 Domestic Violence	\$30,612
23212-424401 Selective Enforcement	\$12,422
23216-424401 Community Policing	\$18,484
28016-424402 TAG	\$24,630
29111-434401 Mental Health Grant	\$55,325
02-451205 Designated Fund Balance	<u>\$290,131</u>
Total	\$620,773

Said resolution re-appropriates those grants for which balances are known. Re-appropriated balances are needed to cover the payment of invoices received and the refund of unexpended monies.

**A-FY-10-24**  
**STATE BUDGET CUTS FOR FY 09-10**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

150	Commissioner of the Revenue – Comp Board	\$ 5,496
160	Treasurer – Comp Board	\$ 5,422
170	Registrar	\$ 2,593
200	Commonwealth Attorney	\$ 19,716
250	Clerk of Circuit Court	\$ 10,100
310	Sheriff – Comp Board	\$ 179,801
310	Sheriff – Jail Block	\$ 25,514
520	Human Services	\$ 2,772
710	Regional Library	\$ 10,332
900	Revenue Refunds	<u>\$ 4,136</u>
	Total Expense	\$ 265,882

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

423100	Shared Expenses	\$ 223,128
422103	Motor Vehicle Carrier Tax	\$ 4,136
424409	State Library Grant	\$ 10,332
424412	VJCCCA Grant	\$ 2,772
424415	Jail Block Grant	<u>\$ 25,514</u>
	Total Revenue	\$ 265,882

Said resolution appropriates additional revenues to cover the County's payment to the State of Virginia for the State's mandated reduction in state aid to localities for FY 2010.

**A-FY-10-25**  
**RECONCILIATION OF**  
**COMPENSATION BOARD BUDGETS**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriations for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

250	Clerk of Circuit Court	\$ 8,366
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The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

02150	423100	Shared Expense – Commissioner of Revenue	\$ 2,575
02160	423100	Shared Expense – Treasurer	\$ 4,793
02200	423100	Shared Expense – Commonwealth's Attorney	\$ 2,651
02250	423100	Shared Expense – Clerk of Circuit Court	\$11,991
02310	423100	Shared Expense - Sheriff	\$ 9,068
02	451203	Undesignated Fund Balance	<u>(\$22,712)</u>
		Total	\$ 8,366

Said resolution adjusts the Constitutional Officer budgets to reconcile with the Compensation Board approved amounts for FY 10.

**R-FY-10-08**  
**MONTGOMERY-FLOYD REGIONAL LIBRARY**  
**RURAL DEVELOPMENT GRANT**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that, in order for the Montgomery-Floyd Regional Library to facilitate obtaining financial assistance from the United States of America, acting by and through the Rural Housing Service, an agency of the United States Department of Agriculture, (the Government) in the purchase of furniture and fixtures to serve the community, the governing body does hereby adopt and abide by the covenants contained in the agreements, documents, and forms required by the Government to be executed.

BE IT FURTHER RESOLVED, That the County Administrator of Montgomery County, Virginia, be authorized to execute on behalf of the County the above-referenced agreements and to execute such other documents including, but not limited to, debt instruments and security instruments as may be required in obtaining the said financial assistance.

**R-FY-10-09**  
**RESOLUTION AUTHORIZING**  
**THE COUNTY ADMINISTRATOR**  
**TO AFFIX HIS SIGNATURE TO COUNTY DOCUMENTS**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes F. Craig Meadows, County Administrator, to affix his signature to County Warrants, Documents, etc.

Said authorization is effective August 3, 2009.

**R-FY-10-10**  
**RESOLUTION AUTHORIZING THE**  
**ECONOMIC DEVELOPMENT DIRECTOR**  
**TO AFFIX HIS SIGNATURE TO COUNTY DOCUMENTS**

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby authorizes Brian Hamilton, Economic Development Director, to affix his signature to County Warrants, Documents, etc.

Said authorization is effective immediately.

**NEW BUSINESS**

**R-FY-10-11**  
**RESOLUTION REQUESTING THE DEPARTMENT OF**  
**GENERAL SERVICES TO CONDUCT AN EVALUATION**  
**OF THE MONTGOMERY COUNTY COURTHOUSE FOR**  
**COMPLIANCE WITH THE VIRGINIA**  
**COURTHOUSE FACILITIES GUIDELINES IN**  
**ACCORD WITH SECTION 17.1-281 OF THE**  
**1950 CODE OF VIRGINIA, AS AMENDED**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

WHEREAS, The 2009 General Assembly amended Section 17.1-281 of the 1950 Code of Virginia, as amended, to allow localities who on or before January 1, 2008, operated a courthouse not in compliance with the current safety and security guidelines contained in the Virginia Courthouse Facility Guidelines and which cannot be feasibly renovated to correct such non-compliance, to assess a fee not in excess of three dollars (\$3) as part of the costs in each civil case if the controversy exceeds \$500, and criminal or traffic cases in district and circuit court to be used by the governing body for the construction of a structure for a courthouse; and

WHEREAS, The Board of Supervisors has determined that the present deficiencies with the County's Courthouse, including safety and security concerns, cannot be properly addressed without constructing a new County Courthouse for which the County has started the construction process; and

WHEREAS, The Board of Supervisors respectfully requests the Department of General Services of the Commonwealth of Virginia to conduct an evaluation of the current Montgomery County Courthouse for compliance with the current Virginia Courthouse Facility Guidelines and provide a certification to the County pursuant to Section 17.1-281 of the Code of Virginia, 1950, as amended, as to the Department's findings in order to determine whether the County is eligible to access the three dollar fee to be used to help offset the County's cost to construct a new courthouse facility.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby requests the Department of General Services of the Commonwealth of Virginia pursuant to an application filed by County staff to evaluate whether the Montgomery County Courthouse is in compliance with the Virginia Courthouse Facility Guidelines and provide the County with a certification as to the Department's findings pursuant to the authority contained in Section 17.1-281 of the Code of Virginia 1950, as amended.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
William H. Brown		
James D. Politis		
Mary W. Biggs		
Doug Marrs		
Annette S. Perkins		

### **INTO WORK SESSION**

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. VDOT Revenue Sharing Program - 2010

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
William H. Brown		
James D. Politis		
Mary W. Biggs		
Doug Marrs		
Annette S. Perkins		

**VDOT Revenue Sharing Program for 2010**

The Interim County Administrator provided the following list of proposed road projects recommended for VDOT's 2010 Revenue Sharing Program:

- Willis Hollow Road (SR 609) – Grading, drainage and surface treatment for .5mi., estimated cost \$400,000.
- Craig Creek Road (SR 621) – Spot widening for safety improvements – estimated cost \$200,000.
- Yellow Sulphur Road (SR 643) – Spot widening for safety improvements – estimated cost \$400,000.

Total cost of all three projects is \$1,000,000. The County's share is \$500,000 and VDOT's share is \$500,000.

The Interim County Administrator also updated the Board on the following existing revenue sharing projects:

- Barn Road – This project will proceed as part of the 177Corridor rezoning requests. Total cost is \$200,000. . The developer will pay the County's share.
- Big Vein Road – Request the reallocation of funds previously earmarked for Big Vein Road to be reallocated to the Barn Road project - \$73,000.
- Stanley Road – Request VDOT to reallocate balances in prior road projects no longer needed to Stanley Road to utilize funds from prior years.



A resolution to approve the list of projects for the 2010 Revenue Sharing Program will be on the Board's August 10, 2008 agenda.

Supervisor Marrs reported the Road Viewers met on July 24, 2009 to tour a number of county roads. He believes the projects recommended by the Interim County Administrator are the fairest way to distribute the funding.

The other Board members also agreed to the recommendation and requested the resolution be added to their next agenda.

### **OUT OF WORK SESSION**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	John A. Muffo
James D. Politis		
Mary W. Biggs		
Doug Marrs		
Gary D. Creed		
Annette S. Perkins		

### **COUNTY ATTORNEY'S REPORT**

#### **Proposed Land Exchange with Virginia Tech – New Prices Fork Elementary School**

The County Attorney reported that a public hearing is required on the County's proposed land exchange with Virginia Tech for the new Prices Fork Elementary School site. Because the County is acquiring 16 acres from the VT Foundation and then exchanging the 16 acres with Virginia Tech for 20 acres located on Prices Fork Road, Section 15.2-1800 requires the County to hold a public hearing before the exchange can be made.

The County Attorney recommended the Board approve a resolution scheduling a public hearing on this matter for their August 10, 2009 meeting.

### **R-FY-10-12 RESOLUTION ESTABLISHING A PUBLIC HEARING TO HEAR COMMENTS ON THE**

## **COUNTY'S PROPOSED LAND EXCHANGE WITH VIRGINIA TECH**

On a motion by Mary W. Biggs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules a public hearing for Monday August 10, 2009, at the Montgomery County Government Center located at 755 Roanoke Street, Christiansburg, Virginia, to hear public comments on the proposed property exchange between the County of Montgomery and Virginia Tech. The County of Montgomery proposes to exchange sixteen acres that the County is obtaining from the Virginia Tech Foundation for twenty acres currently owned by Virginia Tech adjacent to Prices Fork Road. The sixteen acres proposed to be conveyed to Virginia Tech is located in the western portion of the Town of Blacksburg, Virginia, is accessed by Plantation Road and is a portion of Tax Map 284-A-5Q and a portion of the former Heth Property. The twenty acres the County is proposing to obtain from Virginia Tech is a portion of Tax Parcel 52 (5)(2) located on the southside of Prices Fork Road just east of the current Prices Fork Elementary School. The twenty acres is being obtained from Virginia Tech for the purpose of constructing a new Prices Fork Elementary School.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Mary W. Biggs		
James D. Politis		
William H. Brown		
Gary D. Creed		
Annette S. Perkins		

### **BOARD MEMBERS' REPORTS**

**Supervisor Creed** reported he received a call from a gentleman regarding cats killing his chickens. He asked if this gentleman qualified for compensation from the County for livestock or poultry killed.

The County Attorney explained that Montgomery County Code only allows for compensation for livestock or poultry killed by dogs. As the Board knows, the County is in the planning process for a new animal shelter that will include cats.

**Supervisor Perkins** reported on the water and sewer issue in the Rock Road area of Montgomery County that was addressed during the public address session tonight. There are ongoing meetings between Montgomery County and the City of Radford to come to an

agreement with providing water and sewer to this area. Supervisor Perkins explained that they have responded to Mrs. Prioleau's request, and hopefully, an agreement will be made soon.

### **ADJOURNMENT**

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously, the Board adjourned to Monday, August 10, 2009 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Mary W. Biggs		
Doug Marrs		
Gary D. Creed		
William H. Brown		
Annette S. Perkins		

The meeting adjourned at 8:18 p.m.

APPROVED: _____	ATTEST: _____
Annette S. Perkins	L. Carol Edmonds
Chair, Board of Supervisors	Interim County Administrator